

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

VIRGINIA COALITION FOR
IMMIGRANT RIGHTS; LEAGUE OF
WOMEN VOTERS OF VIRGINIA;
LEAGUE OF WOMEN VOTERS OF
VIRGINIA EDUCATION FUND; AFRICAN
COMMUNITIES TOGETHER,

Plaintiffs,

v.

SUSAN BEALS, in her official capacity as
Virginia Commissioner of Elections; JOHN
O'BANNON, in his official capacity as
Chairman of the State Board of Elections;
ROSALYN R. DANCE, in her official
capacity as Vice-Chairman of the State Board
of Elections; GEORGIA ALVIS-LONG, in
her official capacity as Secretary of the State
Board of Elections; DONALD W.
MERRICKS and MATTHEW WEINSTEIN,
in their official capacities as members of the
State Board of Elections; and JASON
MIYARES, in his official capacity as Virginia
Attorney General,

Defendants.

Case No. 1:24-cv-01778
Judge Patricia Tolliver Giles

PLAINTIFFS' NOTICE OF SUPPLEMENTAL AUTHORITY

Plaintiffs respectfully file this notice of supplemental authority to alert this Court to the United States Court of Appeals for the Ninth Circuit’s recently issued opinion in *Mi Familia Vota v. Fontes*, No. 24-3188, 2025 WL 598127 (9th Cir. Feb. 25, 2025), attached as Exhibit A, which may help the Court evaluate Defendants’ Motion to Dismiss, ECF 121. The Ninth Circuit’s holdings are especially relevant to Counts II and III of Plaintiffs’ complaint.

Interpreting Section 6 of the NVRA, 52 U.S.C. § 20505, the *Mi Familia Vota* Court held that “[i]f the NVRA is read . . . to regulate only ‘registration’ in isolation from the rest of the voting process such as casting a ballot by mail, then states could ‘accept’ the federal form solely to place individuals’ names on the voting rolls but then preclude those who do not provide DPOC from casting vote-by-mail ballots in federal elections. Under such a reading, the federal form would ‘cease[] to perform any meaningful function, and would be a feeble means of’ accomplishing the purpose of ‘enhanc[ing] the participation of eligible citizens as voters in [federal] elections.’” 2025 WL 598127 at *11 (citing *Arizona v. Inter Tribal Council of AZ, Inc.*, 570 U.S. 1, 13 (2013)).

Interpreting Section 8(b) of the NVRA, 52 U.S.C. § 20507(b)(1), the Ninth Circuit held that “[t]he citizenship checks are non-uniform and are discriminatory in effect because it is likely that the properly registered citizens who would be required to respond and provide documentation would be naturalized citizens.” 2025 WL 598127 at *14 (internal quotations omitted).¹

¹ The Court also held that Promise Arizona, a membership organization, had standing to challenge a voter purge where the organization’s members included naturalized citizens at risk of removal, *id.* at *9-10, and that “[b]ecause one or more members of Promise Arizona may be adversely affected by H.B. 2243 and the State does not need to know the identity of a particular member to respond to Promise Arizona’s claim of injury, Promise Arizona need not identify by name its members who would be injured by H.B. 2243 absent the injunction,” *id.* at *10.

Date: February 28, 2025

Respectfully submitted,

Ryan Snow*
Javon Davis*
LAWYERS' COMMITTEE FOR CIVIL RIGHTS
UNDER LAW
1500 K Street, NW, Ste. 900
Washington, DC 20005
(202) 662-8600
rsnow@lawyerscommittee.org
jdavis@lawyerscommittee.org

Orion Danjuma*
John Paredes*
THE PROTECT DEMOCRACY PROJECT, INC.
82 Nassau Street, # 601
New York, NY 10038
Telephone: (202) 579-4582
orion.danjuma@protectdemocracy.org
john.paredes@protectdemocracy.org

Benjamin L. Berwick*
THE PROTECT DEMOCRACY PROJECT, INC.
15 Main Street, Suite 312
Watertown, MA 02472
(202) 579-4582
ben.berwick@protectdemocracy.org

Anna Dorman*
THE PROTECT DEMOCRACY PROJECT, INC.
200 Pennsylvania Ave. NW, Suite # 163
Washington, DC 20006
Telephone: (202) 579-4582
anna.dorman@protectdemocracy.org

/s/ Shanna Ports
Shanna Ports (VSB No. 86094)
Danielle Lang*
Brent Ferguson*
Simone Leeper*
Katherine Hamilton*
Lucas Della Ventura*
Kunal Dixit*
CAMPAIGN LEGAL CENTER
1101 14th Street NW, Suite 400
Washington, DC 20005
Tel: (202) 736-2200
Fax: (202) 736-2222
sports@campaignlegalcenter.org
dlang@campaignlegalcenter.org
bferguson@campaignlegalcenter.org
sleeper@campaignlegalcenter.org
khamilton@campaignlegalcenter.org
ldellaventura@campaignlegalcenter.org
kdixit@campaignlegalcenter.org

John Powers*
Hani Mirza*
ADVANCEMENT PROJECT
1220 L Street Northwest, Suite 850
Washington, D.C. 20005
(202) 728-9557
jpowers@advancementproject.org
hmirza@advancementproject.org

*Attorneys for Plaintiffs Virginia Coalition for
Immigrant Rights, the League of Women Voters
of Virginia, the League of Women Voters of
Virginia Education Fund, and African
Communities Together*

**Admitted pro hac vice*

CERTIFICATE OF SERVICE

I certify that on February 28, 2025, I electronically filed the above document with the Clerk of Court using the ECF system, which will provide electronic copies to any counsel of record.

/s/ Shanna Ports
Shanna Ports